REMARKS

In the response to the previous Restriction Requirement, Applicants elected to prosecute the Group 1 claims identified by the Examiner, *i.e.*, claims 1-9, 21-28, 35-38, and 49-52. However, Applicants believe that the elected Group 1 claims include claims 1-9, 21-25, 35-38, and 49-52. Accordingly, claims 1-9, 21-25, 35-38, and 49-52 are pending in the present application.

Independent claims 1, 21, 35, and 49 have been amended to set forth a system management mode (SMM). No new matter has been added. Support for the amended claims may be found from line 11 on page 51 to line 15 on page 58 of the Patent Application, as well as in Figures 16A-16G.

In the Office Action, the Examiner objected to claim 2 because the acronym LPC was not properly defined in the claim. Claim 2 has been amended to define the acronym "low pin count (LPC)." The claim has in no way been narrowed by virtue of these amendments and so these amendments should not be interpreted as narrowing the claimed invention for purposes of any determination under the doctrine of equivalents. Applicant respectfully requests that the Examiner's objection to claim 2 be withdrawn.

In the Office Action, claim 9 was rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Claim 9 has been amended to correct a typographical error solely to render these claims definite. The claim has in no way been narrowed by virtue of these amendments and so these amendments should not be interpreted as narrowing the claimed invention for purposes of any determination under the doctrine of equivalents. Applicant respectfully requests that the Examiner's rejection of claim 9 under 35 U.S.C. § 112, first paragraph, be withdrawn.

In the Office Action, claims 1, 3, 6, 21-25, 35-38, and 49-52 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hotley (U.S. Patent No. 5,442,704). Claims 4, 7-8, and 26-27 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hotley in view of Gafken (U.S. Patent No. 6,026,016). Claims 2, 5, and 28 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hotley in view of Watts (U.S. Patent No. 6,816,925). The Examiner's rejections are respectfully traversed.

Hotley describes a secure memory card that includes a security access control unit and a chip memory. The chip memory is organized into a number blocks having a number of rows, and each row includes a single lock bit location that may provide storage for lock bits within each block. The security access control unit may perform a predetermined key validation operation for a protected block by serially comparing bits of the key value against the bit contents of the lock bit positions of the memory block. See Hotley, col. 3, ll. 4-27. However, Hotley is completely silent with regard to a system management mode (SMM). Accordingly, Hotley fails to teach or suggest determining whether the computer system is operating in a system management mode (SMM). Hotley also fails to teach or suggest controlling access to one or more of the plurality of memory units based on the determination of whether the computer system is operating in the system management mode (SMM).

For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not anticipated by Hotley and request that the Examiner's rejections of claims 1, 3, 6, 21-25, 35-38, and 49-52 under 35 U.S.C. 102(b) be withdrawn.

Moreover, it is respectfully submitted that the pending claims are not obvious in view of the prior art of record. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490

F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). As discussed above, Hotley fails to teach or suggest determining whether the computer system is operating in a system management mode (SMM). Hotley also fails to teach or suggest controlling access to one or more of the plurality of memory units based on the determination of whether the computer system is operating in the system management mode (SMM).
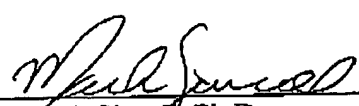
The Examiner relies on Gafken to describe the read lock bit, a write lock bit, and a lockdown bit. The Examiner also relies upon Watts to describe a low pin count (LPC) bus protocol. However, both Gafken and Watts are completely silent with regard to a system management mode. Consequently, neither Gafken nor Watts describes or suggests determining whether the computer system is operating in a system management mode (SMM). Gafken and Watts also fail to teach or suggest controlling access to one or more of the plurality of memory units based on the determination of whether the computer system is operating in the system management mode (SMM).

For at least the aforementioned reasons, Applicants respectfully submit that the Examiner has failed to make a *prima facie* case that the present invention is obvious over the cited references. Applicants request that the Examiner's rejections of claims 2, 4-5, 7-8, and 26-28 under 35 U.S.C. 103(a) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

Date: _7/12/05_

[signature]

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